IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 18655 of 2004(U)

IA.1130/03 IN OS.117/2000 of MUNSIFF'S COURT, KUTHUPARAMBA

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PETITIONER:

P.V.RAVEENDRAN, AGRICULTURIST,
RESIDING AT VADAKKE VEETTIL HOUSE,
MAVILAYI AMSOM, PODUVACHERRY DESOM,
KANNUR DISTRICT.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENT:

K.M.SHEIK ABDULLA S/O. KUNHI HASSAN,
BUSINESS, RESIDING AT LONDON HOUSE,
KADIRUR AMSOM AND DESOM, THALASSERY TALUK.

BY ADV. SRI.C.KHALID
SRI.N.GOPINATHA PANICKER
SRI.R.O.MUHAMED SHEMEEM
SRI.T.P.SAJID (THALASSERY)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.18655/04

APPENDIX

PETITIONER'S EXTS:

Ext.P1 – PHOTO COPY OF I.A.1130/03 IN O.S.117/00 FOR APPOINTMENT OF ADVOCATE COMMR.

Ext.P2 – TRUE COPY OF COUNTER IN I.A.1130/03 IN O.S.117/00

Ext.P3 – TRUE COPY OF ORDER OF THE MUNSIFF'S COURT IN I.A.1130/03 IN O.S.117/00

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C) No.18655 OF 2004

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DATED THIS THE 29TH MAY, 2007

J U D G M E N T

Having regard to the contours of this Court's supervisory jurisdiction under Article 227 of the Constitution, I do not find any warrant for correcting Ext.P3 order by which the learned Munsiff has dismissed an application for issuance of a commission for a survey measurement of the property and for ascertaining the age and other features of the trees which stand on the property in question. The suit, as indicated in Ext.P3, was one simpliciter for injunction against trespass. The learned Munsiff has taken the view that having regard to the scope of the suit, there is no warrant for seeking a report as requested by the petitioner in the commission application. The above view cannot be said to be so wholly unreasonable as to warrant interference under Article 227 of the Constitution of India.

The Writ Petition is dismissed. No costs.

(PIUS C. KURIAKOSE, JUDGE)

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